

May 1, 2006

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Art Unit 3729 - Examiner Tugbang, Anthony D

FROM: George O. Saile, Reg. No. 19,572  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/750,017  
File Date: 12/31/2003  
Inventor: Ming-Goei Sheu  
Examiner: Tugbang, Anthony D  
Art Unit: 3729  
Title: Method for Loading Single Head in a Hard Disk Drive

#### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated March 30, 2006. In that office action, restriction was required to one of the following Inventions under

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on May 1, 2006.

Signature

Stephen B. Ackerman, Reg. No. 37,761

Date: May 1, 2006

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-8, drawn to a process of loading a head to a disk of a hard drive, including biasing a suspension from its original position, classified in class 29, subclass 603.03, and

II - Claims 9-15, drawn to a process of loading a head to a disk of a hard drive including rotating a rod in a first horizontal direction, classified in class 29, subclass 418.

III. Claim 16, drawn to an apparatus for loading a head to a disk drive, classified in class 29, subclass 737.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-8 drawn to a process classified in Class 29, subclass 603.03. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner gives the reasons for the distinctness between Inventions I, II and III as (1) that the process as claimed can be practiced by another and materially different apparatus, or (2) the apparatus as claimed can be used to practice another and materially different process (M.P.E.P. 806.05(e)). However, upon reading the process Claims against the apparatus Claims one can readily see that the process Claims are directed to a method "for loading a head to a disk of a hard disk drive", and that the apparatus claims are directed to "a mechanism for loading a head to a disk of a hard disk drive", and that it is necessary to obtain claims in both the process and apparatus claim language. The process claims necessarily use the apparatus and vice versa. The field of search must necessarily cover both the process class/subclass 29/603.03 and 29/418 and apparatus class/subclass 29/737, in addition to other related classes and subclasses, to provide a complete and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive. The Examiner's suggestion that "in this case, the process of Groups I and II can be practiced by hand..for example, the step of mounting the head assembly to the baseplate can be performed by hand" is speculative and has nothing to do with the Claims as presented in this patent application.

The Examiner also states that Inventions II and III are related as subcombinations disclosed as usable together in a single combination, and that the subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately useable. However, upon reading the Invention II Claims against the Claims of Invention III, it can be seen that Invention II is drawn to a method of loading ahead to a disk in a hard disk drive, while Invention III is drawn to a

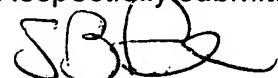
mechanism for loading a hard to a disk of a hard disk drive . As such, the field of search must necessarily cover both the Group II class/subclass 29/418 and the Group III class/subclass 29/737 in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group II and Group III inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "the subcombination of Group III has separate utility, such as a rod that is roated and moved downward, that is not required in Group II" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of second and third patent applications upon the applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



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